



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

May 30, 2023

Re: FOIA Request NLRB-2023-001363

Dear Lageneia LaRochelle:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on May 5, 2023, in which you seek position statements and the final status regarding the closure of all NLRB and EEOC charges from 2020 through 2023 in *Medstar Washington Hospital Center*. You assumed financial responsibility for the processing of your request in the amount of \$10.00. You also requested expedited processing.

We acknowledged your request on May 5, 2023. Your request for expedited service was denied on May 8, 2023. In an email communication with a member of the FOIA staff on May 8, 2023, you modified your request to the position statements and final disposition letters for Case Nos. 05-CA-271044 and 05-CA-269241. On May 25, 2023, you provided a certification of your identity. We have confirmed that you are requesting records or information from cases where you were the charging party.

Your request is granted in part and denied in part, as explained below.

A search of the Agency's electronic casehandling system, NxGen, has been conducted. This search has yielded 12 pages of records responsive to your request, which are attached. Please note that no position statement was found in Case No. 05-CA-269241.

After a review, I have determined that portions of the attached records are exempt from disclosure under Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and (b)(7)(C)). Specifically, redactions have been made to protect the privacy interests of individuals named in the records. These redactions were made pursuant to FOIA Exemption 6, which protects personally identifiable information, the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which protects records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

Please be advised that your name and personal information contained in these records are not redacted and are thus being released to you because you certified your identity in your May 25, 2023 email. However, redactions have been applied to the records, even those submitted by you, to protect the name and identifying information about all other individuals. These redactions are necessary and appropriate because of the significant personal privacy interests held by those individuals mentioned or referenced in the records. The fact that you may know the parties involved, be aware of individuals' names, titles, and dates of certain events, or were personally involved in the circumstances arising out of the case does not override or negate *their* privacy interests protected by FOIA Exemptions 6 and 7(C). See, *People for the Ethical Treatment of Animals (PETA) v. Nat'l Insts. of Health*, 745 F.3d 535, 542 (D.C. Cir. 2014) (stating "the fact that an event is not wholly private does not mean that an individual has no interest in limiting disclosure or dissemination of the [requested] information.").

For the purpose of assessing fees, we have placed you in Category D, the "all other requesters" category, because you do not fall within any of the other fee categories. Consistent with this fee category, you will be assessed charges to recover the reasonable direct costs for searching for the requested records, except that you will not be charged for the first two hours of search. NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(2)(ii)(D). Charges for all categories of requesters are \$9.25 per quarter hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Less than two hours of professional time was expended in searching for the requested material. Accordingly, there is no charge assessed for this request.

You may contact Teresita Sanabria, the FOIA Specialist who processed your request, at 202-273-4000 or by email at teresita.sanabria@nrlb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist or Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami, FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt, Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (12 pages)